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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/685,384	10/10/2000	Lin He	SP00-291	4601

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CORNING INCORPORATED
SP-TI-3-1
CORNING, NY 14831

EXAMINER

JOHNSON, EDWARD M

ART UNIT	PAPER NUMBER
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1754

15

DATE MAILED: 09/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-15

Office Action Summary

Application No.

09/685,384

Applicant(s)

HE ET AL.

Examiner

Edward M. Johnson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-29 and 31-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 29 and 31-34 is/are allowed.
- 6) ☒ Claim(s) 1 and 3-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 3-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Saito et al. US 5,935,529.

Regarding claim 1, Saito '529 discloses an exhaust gas catalyst system for nitrogen oxides into ammonia (see abstract and column 2, lines 19-21) comprising supports of titania, zinc oxide, or magnesium oxide (see column 5, lines 3-9) impregnated with noble metals such as platinum, palladium, and iridium (see abstract and column 6, lines 37-50 and 60-63).

Regarding claim 3, Saito '529 discloses 0.1% or less (see column 6, lines 50-52).

Regarding claims 4-5, the claimed range includes zero and Saito '529 discloses iridium (see abstract).

Regarding claims 6-7, 10-11, 14-15, the claimed range includes zero and Saito '529 discloses 5% or less cesium and/or potassium (see column 6, lines 21-28).

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Regarding claims 8-9, 12-13, 16-21, the claimed range includes zero and Saito '529 discloses 5% or less of oxides of lanthanum and cerium (see column 5, lines 56-58 and column 6, lines 22-26 and 32-35).

Regarding claims 22-28, the claimed range includes zero and Saito '529 discloses 5% or less cesium and/or potassium (see column 6, lines 21-28) and 5% or less of oxides of lanthanum and cerium (see column 5, lines 56-58 and column 6, lines 22-26 and 32-35).

3. Claims 1 and 3-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Kobylinski et al. US 3,907,968.

Regarding claim 1, Kobylinski '968 discloses a catalyst for removing NO_x to ammonia (see column 4, lines 61-66) comprising supports of magnesia and titania impregnated with (see column 4, lines 6-8 and 45-49) metal ruthenates (see column 3, lines 50-63).

Regarding claim 3, Kobylinski '968 discloses 0.05-0.5% Ru (see Experiment 13).

Regarding claims 4-28, all the claimed ranges include zero and Kobylinski '968 discloses composite oxides of Mo, Mn, Cs, Ba, K, and Ce (see column 3, lines 20-25 and 50-63).

Allowable Subject Matter

4. Claims 29 and 31-34 are allowed.

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5. The following is a statement of reasons for the indication of allowable subject matter: A catalyst comprising the compound of the formula of the instant claim 29 would not have been obvious to one of ordinary skill in the art at the time the invention was made.

Response to Arguments

6. Applicant's arguments filed 7/29/03 have been fully considered but they are not persuasive.

It is argued that Saito is directed to an exhaust gas cleaning system comprising two catalyst disposed side-by-side. This is not persuasive because Applicant appears to admit that the prior art catalyst comprises two components set side-by-side. Therefore, the claim is met, since the claimed support material is disclosed in one of the prior art components and the claimed noble metal catalyst is disclosed in the other prior art component, both components of which make up the prior art catalyst. Applicant does not claim a catalyst which is not separated into two parts. So the claim reads on the prior art. It is noted that the features upon which applicant relies (i.e., a catalyst which is not divided into two parts) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the

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specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

It is argued that quite differently, the present invention... and Ru. This is not persuasive because ruthenates contain ruthenium and, in any case, Kobylinski discloses 0.05-0.5 weight percent ruthenium as metal (see column 7, lines 50-53).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward M.

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Johnson whose telephone number is 703-305-0216. The examiner can normally be reached on M-F 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley S. Silverman can be reached on 703-308-3837. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

EMJ

September 12, 2003


STEVEN BOS
PRIMARY EXAMINER
GROUP 1100